

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Timothy S. Buckley, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Jill Rivera, Assistant Deputy Clerk.

F039832 Nevocal Enterprises, Inc., et al. v. Board of Education of Fresno Unified School District; Tech Four Construction, Inc.

Cause called and argued by Mark Creede, Esq., counsel for appellant and by Maiya Yang, Esq., counsel for respondent. William Woolman, Esq., counsel for real party waived oral argument.

Cause ordered submitted.

At this point Buckley, J. leaves the bench and is replaced by Gomes, J.

F038763 Rudnick v. Rudnick

Cause called and argued by Todd Baxter, Esq., counsel for appellant and by Ralph Goldsen, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, April 17, 2003 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Shandra Gallagher, Assistant Deputy Clerk.

F039520 Beckman v. County of Kern

Cause called and argued by Erin Parks, Esq., counsel for appellant and by Charles Collins, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Friday, April 25, 2003 at 9:00 A.M.

F040378 White v. Sikes et al.,

Appellant's petition for rehearing filed herein is denied.

IN THE

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F039980 People v. Reading

The judgment is affirmed. Dibiaso, Acting P.J.

We concur: Harris, J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042733 Levitt v. Pardini et al.

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8(a)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F042351 Monique T. v. The Superior Court of Tulare County; Tulare Co. Health & Human Services Agency

The petition for extraordinary writ is denied. This petition is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040097 People v. Villanueva

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F040097 People v. Villanueva

The judgment is affirmed. Vartabedian, Acting P.J.

We concur: Buckley, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041012 Association of Irrigated Residents et al. v. County of Madera et al.; Diamond H. Dairy et al.

Filed order granting request for publication of the opinion.

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F040260 People v. Fimbres

The judgment is modified to strike the one-year enhancement (Pen. Code, sec 667.5, subd. (b)) appended to count 1, which enhancement is based upon appellant's prior prison term imposed in Kern County Superior Court case No. 75531A. As so modified, the judgment is affirmed. The trial court on remand shall prepare a corrected abstract of judgment and distribute it as appropriate. The trial court shall also correct the minute order of the sentencing hearing.

Dibiaso, Acting P.J.

We concur: Harris, J.; Wiseman, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F042607 Brown, Jr. v. The Superior Court of Kern County; The People

Let a peremptory writ of mandate issue directing respondent court to vacate its order filed on February 26, 2003, denying the motion to suppress evidence and enter a new order granting the motion.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040434 People v. Henry

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F040434 People v. Henry

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]